REMARKS

Claims 1-14 remain pending in this application.

Claims 1-14 are rejected.

Claims 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14 are amended with this response.

Claims 15 and 16 have been cancelled.

The amendment to the claims is for clarity and to comport the claims of the application better to the format used in the United States.

Objection to the Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Office Action asserts that the term "safety duration" as used in claim 11 is not defined in the description. Claim 11 has been amended to remove the term "safety" and now recites "duration." Support for this amendment can be found on page 3, lines 29-31, page 18, lines 29-31 and page 19, lines 1-6. Therefore, it is respectfully submitted that this objection is satisfied and should be withdrawn.

Rejection of Claims 15 and 16 under 35 U.S.C. 101

Claims 15 and 16 are rejected under 35 U.S. C. 101 for being directed towards non-statutory subject matter.

Claims 15 and 16 have been cancelled rendering this rejection moot. Therefore it is respectfully submitted that the rejection of claims 15 and 16 should be withdrawn.

Rejection of Claims 1-14 under 35 U.S.C. 103(a)

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US Patent No. 5, 822, 524) in view of Forecast et al. (US Patent No. 6,230,200).

The present claimed arrangement provides a device for requesting data through at least one first communication network from at least one data server. Sending means send requests of determined data to the server via at least one second communication network.

Receiving means receive streamed data from the server, via the first communication network and provide the data to processing means for them to be exploited. Control means produce pause control signals for pausing data streaming from the server and for triggering the sending of the pause control signals to the server via the second network through the sending means. The data requesting device includes maintenance means for generating normal state signals, to the server, for testifying normal operation at the data requesting device, and for triggering periodic transmission of the normal state signals, to the server, via the second network, through the sending means.

Chen describes a client machine for retrieval of multimedia data from a server machine with minimum latency and overhead. The system provides multimedia data as readily available to application programs as if that data were in the form of files in the data memory storage of the client machine. The amount of buffer storage is minimized in the client machine. (See col. 3, lines 41-55)

However, the Office Action acknowledges that Chen neither discloses nor suggests "triggering periodic transmission of said normal state signals, to said server, via said second network, through said sending means" as recited in claim 1 of the present arrangement. However, the Office Action asserts that Forecast describes the aforementioned feature. Applicant respectfully disagrees.

Forecast describes dynamic allocation of resources in a file server through use of a dynamic model. The dynamic model is maintained in memory as a directed acrylic graph in which nodes represent the data handling components and edges represent data stream paths between the data handling components. Each node and each edge has a list of resources associated with the node or edge and current allocations of the resources to data streams and any other tasks. Associated with each active data stream is a list of pointers to the nodes and edges and current allocations for the data stream. The dynamic model is stored in random access memory of the file server controller and is periodically backed up on disk memory. (See col. 1, lines 66-67 and col. 2, lines 1-16)

Forecast, like Chen, neither discloses nor suggests "triggering periodic transmission of said normal state signals, to said server, via said second network, through said sending means" as recited in claim 1 of the present arrangement. Forecast describes a heartbeat which is sent periodically by a server to a device that indicates the current state of a stream and a failure code if any failure has occurred (see col. 52, lines 37-46). However, contrary to the present claimed arrangement, Forecast does not describe "periodic transmission of said normal state signals, to said server." Instead, Forecast describes sending a heartbeat to the device from a server. The present claimed arrangement describes "triggering periodic transmission of said normal state signals, to said server" in order to give an indication to the server that the device is correctly functioning at the receiving end, and not the sending end as described by Forecast. Thus, Forecast, like Chen, neither discloses nor suggests "triggering periodic transmission of said normal state signals, to said server, via said second network, through said sending means" as recited in claim 1 of the present arrangement.

In addition, the combination of Chen and Forecast, similar to the individual systems, also neither discloses nor suggests "triggering periodic transmission of said normal state signals, to said server, via said second network, through said sending means" as recited in claim 1 of the present arrangement. A combination of Chen and Forecast would result only in a standard multimedia retrieval network where a heartbeat signal can be sent from a server to a device indicating status of a particular stream and errors associated with it. The combination would not describe "periodic transmission of said normal state signals, to said server" from the device. While the combination would describe a buffer manager managing the structure of data in packets, as well as transmission of a periodic heartbeat signal by the server to the device indicating status of a stream, this is not the same as sending "normal state signals, to said server" to indicate that the receiving device is properly operating and able to receive data. The combination of Chen and Forecast adequately deal with the problem of corruption or failure in sent data streams, but not failures at a receiving device itself. However, indications of whether a stream is playing correctly is not the same as "periodic transmission of said normal state signals, to said server" for indicating that the receiving device is operable to continue receiving data streams. This advantageously results in greater efficiency in bandwidth use and prevents unnecessary sending of data when a receiving unit

is not operable. Thus, the combination of Chen and Forecast, similar to the individual systems, neither discloses nor suggests "triggering periodic transmission of said normal state signals, to said server, via said second network, through said sending means" as recited in claim 1 of the present arrangement. Therefore, it is respectfully submitted that the rejection of claim 1 is satisfied and should be withdrawn.

Claims 2-6 are dependent on claim 1 and are considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claims 2-6 is satisfied and should be withdrawn.

Claim 7 is dependent on claim 1 and is considered patentable for the reasons set forth above regarding claim 1. In addition, claim 7 is also patentable because Chen and Forecast, taken alone or in combination with one another, neither discloses nor suggests "said receiving means to receive special warning messages from said server via said first network when said server has not received said normal state signals in due time" as recited in claim 7 of the present arrangement. Chen describes a basic buffer manager for managing the structure of data in packet buffers to ensure that there is enough free space to receive new packets (see col. 6, lines 1-6). The present claimed arrangement, unlike Chen (with Forecast), provides "receiving means" for receiving "special warning messages" when a "server has not received said normal state signals in due time." The special warning messages of the present claimed arrangement are used for indicating that the normal state signals generated by the maintenance means have not been received in due time by the server. This advantageously allows for the efficient use of bandwidth and resources because a user of the device or the device itself can have knowledge of potential transmission or operation problems in the receiving device due to normal state signals not being received in due time by the server. Thus, Chen and Forecast, taken alone or in combination with one another, neither discloses nor suggests "said receiving means to receive special warning messages from said server via said first network when said server has not received said normal state signals in due time" as recited in claim 7 of the present arrangement.

Claim 8 is dependent on claim 1 and is considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claim 8 has been satisfied and should be withdrawn.

Independent claim 9 provides a method containing features similar to those found in apparatus claim 1 and is considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claim 9 is satisfied and should be withdrawn.

Independent claim 10 provides an apparatus containing features similar to those found in apparatus claim 1 and is considered patentable for the reasons set forth above regarding claim 1. In addition, claim 10 is also patentable because Chen and Forecast, taken individually or in combination with one another, neither discloses nor suggests "said receiving means to receive periodically normal state signals from said data requesting device" as recited in claim 10 of the present arrangement. Chen is silent with regards to receiving periodic signals. Forecast describes a periodic heartbeat signal that indicates the status of a datastream but not a particular requesting device. The present claimed arrangement, contrary to Chen and Forecast, or the combination of the two, provides for receiving "periodically normal state signals from said data requesting device" which indicates to the server that the requesting device is ready to receive data and is operable. Thus, Chen and forecast, taken individually or in combination with one another, neither discloses nor suggests "said receiving means to receive periodically normal state signals from said data requesting device" as recited in claim 10 of the present arrangement. Therefore, it is respectfully submitted that the rejection of claim 10 is satisfied and should be withdrawn.

Claims 11 and 12 are dependent on claim 10 and are considered patentable for the reasons set forth above regarding claim 10. Therefore, it is respectfully submitted that the rejection of claims 11 and 12 is satisfied and should be withdrawn.

Claim 13 is dependent on claim 9 and is considered patentable for the reasons set forth above regarding claim 9. Therefore, it is respectfully submitted that the rejection of claim 13 is satisfied and should be withdrawn.

Independent claim 14 provides a process containing feature similar to those found in apparatus claim 10 and is considered patentable for the reasons set forth above regarding claim 10. Therefore, it is respectfully submitted that the rejection of claim 14 is satisfied and should be withdrawn.

Claims 15 and 16 have been cancelled rendering this rejection moot. Therefore, it is respectfully submitted that the rejection of claims 15 and 16 is satisfied and should be withdrawn.

In view of the above remarks and amendments to the claims it is respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney so that a mutually convenient date and time for a telephonic interview may be scheduled.

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